


Application Number 	Applicati n/C ntr l No. 10/707,834	Applicant(s)/Pat nt under R xaminati n BUMGARDNER ET AL.	

Document Cod - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED <i>dy</i>
Date Filed : December 12, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<u>14-Jun-06</u>	APPL. S. N.:	<u>10707834</u>
To Examiner:	<u>VENT, JAMIE</u>	Art Unit	<u>2621</u>
From	<u>Jefferson, Henry</u> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<u>JEF-2D68</u>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of \$0.00 has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: 14-Jun-06

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PDT 1321.02 US
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jim BUMGARDNER et al.

Serial No.: 10/707,834

Filing Date: January 15, 2004

Title: VIDEO RECORDER HAVING USER
EXTENDED AND AUTOMATICALLY
EXTENDED TIME SLOTS

Art Unit: 2616

Examiner: Jamie J. Vent

Customer No.: 23410

TERMINAL DISCLAIMER

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned represents that the Assignee, Pioneer Digital Technologies, Inc., a Delaware corporation organized and existing under the laws of California, is the owner of the entire right, title and interest in and to the above-referenced application by assignment from the inventors, as recorded at Reel 014274, Frame 0034, in the United States Patent and Trademark Office on January 15, 2004.

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,760,538, issued July 6, 2004, entitled VIDEO RECORDER HAVING USER EXTENDED AND AUTOMATICALLY EXTENDED TIME SLOTS,

and hereby agrees that any patent so granted on the above-identified application shall be

CERTIFICATE OF MAILING (37 C.F.R. §1.8): I hereby certify that this correspondence (along with any items referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage for First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or transmitted via facsimile to the U.S. Patent and Trademark Office on the date shown below.

December 12, 2005
DateValerie L. Sarigumba
Valerie L. Sarigumba

PDT 1321.02 US
Patent

enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,760,538, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,760,538, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I, the undersigned, have reviewed all the documents in the chain of title of the above-identified application and to the best of my knowledge and belief, title is in the Assignee, Pioneer Digital Technologies, Inc.

The Preliminary Amendment and Response to Final Office Action accompanying this Terminal Disclaimer authorizes the Commissioner to charge the Terminal Disclaimer fee to Deposit Account No. 50-1105.

Dated: December 12, 2005

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Respectfully submitted,
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